

Serial No.: 09/175,156

Attorney Docket No.: 98P7912US

REMARKS

Upon entry of the instant Amendment, Claims 1-27 are pending. Claims 10 and 16 have been amended to more particularly point out Applicants' invention.

Claims 10, 12-15, 22, and 23 were rejected under 35 U.S.C. §102(e) as being anticipated by Milewski, U.S. Patent No. 6,519,326 ("Milewski"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Milewski.

As discussed in the Specification, according to one embodiment of the present invention, a telephone device may be provided that includes a ring detector, a command interface, a controller and a telephone network interface. In response to an incoming call, the ring detector alerts the called party and causes the controller to activate the command interface. The command interface is activated for a predetermined time while the call is still ringing. While activated, the called party can select or enter a playback message. The playback message can be a pre-recorded audio message stored within the device, or a voice message spoken by the called party during the activation period. *After the playback message is selected by the called party, the telephone device answers the incoming call, automatically plays the customized message to the calling party, and releases the call. Otherwise, the called party can answer the call by taking the phone off hook.*

Thus, claim 10 has been amended to recite "a controller for activating the command interface in response to the detection signal and for transferring the customized message to the caller wherein the controller is an element of the telephone, the customized message being transferred from the telephony device; wherein the telephony device can respond to the incoming telephone call by answering the call, transferring the customized message and releasing the call or can accept the call by going off hook."

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In contrast, as discussed in response to the previous Official Action, Milewski teaches a system by which an incoming telephone call is announced by the called party's equipment not by a mere ring-tone but by a voice announcement such as "Hi, Allen, this is Bob...". (Milewski, col. 3, line 51.) Further, Milewski also provides a feature by which, "if the called party desires to accept the incoming phone call after receipt of the voice-ring announcement, the called party will transmit a return signal, or call answer message, from the called party's PC 155 to the calling party's PC 105 ... to signal that the call is to be accepted..." (Milewski, col. 4, lines 28-34). The *calling party PC 105* then establishes the call between the calling party telephone and the called party telephone.

Milewski does not appear to be able to, inter alia, "respond to the incoming telephone call by answering the call, transferring the customized message and releasing the call or...accept the call by going off hook."

That is, Milewski provides for a first *signaling* connection that allows for reception of the return signal and a second, separate *telephone* call. That is, in Milewski a telephone call is not established until the calling party computer receives the return signal from the called party computer. Thus, until the message is received back at the calling party, there is no call to be answered and released (as generally recited in the claims at issue). Milewski must receive the message from the called party in order for the calling party to *begin* a call.

Indeed, Milewski also does not appear to be able to answer the call merely by going off hook, as recited in the claims at issue. To answer the call in Milewski, the called party must apparently signal availability to the calling party over the signaling channel, which then makes a telephone call over a telephone channel.

As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 1-9, 20, 21, and 25-27 were rejected under 35 U.S.C. §103 as being unpatentable over Adams, U.S. Patent No. 6,400,814 ("Adams") in view of Wolff et al., U.S. Patent No. 5,237,486 ("Wolff"). Applicants respectfully submit that, at the time the present invention was made, the subject matter of Adams was owned by, or subject to an obligation of assignment, to the same person, i.e., Siemens Information and

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Communication Networks, Inc. Copies of the assignments are appended. As such, pursuant to 35 U.S.C. §103(c), the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 11 has been rejected under 35 U.S.C. §103 as being unpatentable over Milewski in view of Wolff. Wolff is relied on merely for teaching voice recognition. However, like Milewski, Wolff does not appear to teach elements of the independent claim 10. Indeed, like Milewski, Wolff appears to provide separate signaling and telephone connectivity. Applicants note that Wolff specifically states that the user "need not maintain telephone network connectivity." (Abstract). As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 16-19 and 24 were rejected under 35 U.S.C. §103 as being unpatentable over Weishut, U.S. Patent No. 6,047,057 ("Weishut") in view of Wolff. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Weishut or Wolff, either singly or in combination.

Claim 16 has been amended to recite "detecting, at a recipient telephone, ringing signaling an incoming telephone call; generating, from the recipient telephone, a user alert in response to the incoming telephone call, based on the incoming phone call itself..." Thus, embodiments of the present invention relate to detecting a new telephone call at a recipient telephone, and handling thereof.

In contrast, Weishut provides a system for responding to an "intrude" condition, i.e., in which a user is currently on the line with another party. The user receives the intrude message and can respond accordingly. However, the user telephone receives the intrude message, rather than ringing indicative of a phone call, as generally recited in the claims at issue. Wolff similarly fails to teach, suggest, or imply, inter alia, "detecting, at a recipient telephone, ringing signaling an incoming telephone call." Indeed, as discussed above, Wolff provides for separate signaling and telephone connectivity, in which the signaling is provided before a call is made. Consequently, in neither Weishut nor Wolff are audio messages provided responsive to ringing. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

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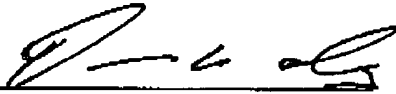
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Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If any fees are due in connection with the filing of this amendment, the Commissioner is authorized to charge such fees to Deposit Account 19-2179.

Respectfully requested,

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